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SIPDIS
DEPARTMENT FOR KCC WILLIAMSBURG KY
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SUBJECT: FRAUD SUMMARY - DJIBOUTI

REF: STATE 74840; 08 DJIBOUTI 687

¶1. Country Conditions: The Republic of Djibouti is a developing and stable African country in the Horn of Africa. Although exact statistics are unavailable, unemployment is estimated in excess of 50 percent of the working-age population. Over two-thirds of the country's estimated 650,000 residents live in the capital, also called Djibouti. Djibouti attracts numerous economic migrants and refugees from neighboring Eritrea, Ethiopia, and Somalia.

¶2. The level of consular fraud in Djibouti continues to be low, but increasing.

NIV FRAUD

¶3. NIV fraud has become increasingly sophisticated. Lying continues to be a method; document fraud has evolved as the interest to travel to the U.S. has become ever more popular with the increasing American presence in Djibouti.

¶4. In the past, the suspension of all visa operations at Embassy Asmara had shifted the bulk of Eritrean visa applicants to Djibouti. However, in February, the Ministry of Foreign Affairs informed Post that the Djiboutian Embassy in Sudan will no longer issue visas to Eritreans. This decision hinders Eritreans from traveling to Djibouti to apply for U.S. visas, and has therefore reduced the NIV workload that had shifted to Post from Embassy Eritrea in 2007 and 2008.

¶5. Tourism: Young applicants ages 22-35 -- including couples going on their 'honeymoon', wanting to visit family, or planning to visit the U.S. for tourism -- produce fraudulent documents to prove ties to Djibouti. False documents are computer-generated to show stable employment and sufficient finances to support self and family. Fraudulent bank statements are also included in the package with an official stamp and signature. Spot checks by Post's consular fraud prevention unit (FPU) have helped identify such fraud; recurring transaction numbers and incorrect balances can be fraud indicators. Applicants also commonly obtain a new passport as an attempt to conceal prior travel to what are considered as possibly 'undesirable' locations (i.e., to other predominantly Muslim countries).

¶6. Post has recognized a new fraud trend involving middle-class Djiboutians with stable ties to Djibouti. They visit the U.S. with valid B1/B2 tourist visas, but once they arrive in the U.S., they throw away their Djiboutian passports and attempt to cross the Canadian border with a Somali passport in order to request asylum posing as Somali refugees (Somali passports are easily purchased on the black market in both Djibouti and Somalia). Or, they simply arrive at the Canadian border with no documents, believing that if they are stateless, then Canada would have no option but to accept their asylum claim. Customs and Border Protection reports all cases of these failed attempts to Post. Discussion of this topic with Djiboutians, including one who failed at his attempt to claim asylum

in Canada, suggest that Canada's generous welfare provisions, as well as common language and family ties, make Canada a more appealing destination than the United States for Djiboutians. However, as it is difficult to obtain a visa to enter Canada, transit via the U.S. is becoming more common. Many Djiboutian NIV applicants also have family members in Canada, who can provide them with instructions on how to claim asylum in Canada.

¶17. Students: The few Djiboutian student visa applicants received are typically children of government ministers or of other government officials. These applicants are legitimate. Other student applicants are those attending English language programs for three to four months. According to the 2008 validation study, these visa applicants have returned to Djibouti.

¶18. Post conducted a validation study in April 2009 on 2008 Djiboutian NIV applicants, which confirmed the return of approximately 60 per cent of the applicants, a 5 per cent decrease from the 2007 validation study. The study also showed that more than half of the Eritrean student visa applicants overstayed or changed their visa status.

¶19. However, Post believes that future validation studies will continue to show a lower return rate for both Eritrean F1 and Djiboutian B1/B2 applicants. The Ministry of Finance's Director of Economy concurred with Post's observation that an increasing number of lower middle-class B1/B2 applicants do not find the Djiboutian job market attractive, and therefore tend to falsify supporting documents

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(i.e., employment letters or bank statements) in hopes of appearing stable to qualify for a U.S. non-immigrant visa.

¶10. Djibouti possesses porous borders, and Post continues to be concerned about possible terrorists entering the country seeking to travel to the U.S. Post continues to be diligent in processing SAOs to curb the possibility of issuing a visa to a wanted terrorist. In addition, we work with the regional LEGATT team for additional spot checks.

¶11. To deter duplication of Djiboutian passports, the Government of Djibouti (GoDJ) has worked diligently at creating a new machine-readable passport. The GoDJ began distributing the new passports in May 2009. Post has not received information regarding the security features of the passports. The old Djiboutian passports are still valid, but are no longer produced. Both the new and old passports hold a 5-year validity.

¶12. In 2008, Djibouti-American contacts and French authorities informed Post that Djiboutian passports had been purchased by Somalis. Djiboutian authorities neither denied nor confirmed this claim. If true, these passports would still be in circulation and would be valid for at least the next 4-5 years.

¶13. Some of the visa recipients from Djibouti who attempted to claim asylum in Canada as Somalis, reported to the Customs and Border Protection Officer that they were actually Somalis, but had purchased their passports in Djibouti. Post has been unable to confirm this claim, but that various sources have reported similar information.

IV FRAUD

¶14. Most Djiboutian IV applicants are bona fide. However, the majority of immigrant petitions received in Djibouti are family reunification petitions for Somali citizens. Post has a high rate of fraud in this area since there is no competent civil authority in Somalia. All civil documents from Somalia can be easily purchased and falsified.

¶15. The applicants typically have little to no evidence of a relationship to the petitioner. Photos are almost never produced. When photos do exist, they are clearly staged. (Note: Staged does not necessarily mean fraud. Staged can also mean photographs by a paid studio portrait with fake backdrop.) Additionally, the majority of applicants are illiterate, and so there are no letters exchanged

between petitioner and applicant. Phone calls are expensive and usually are made through prepaid cards, which leave no usable records. Money transfer receipts are often offered as proof of relationship. However, they tend to be handwritten on scraps of torn notebook paper, and often do not indicate the name of either petitioner or applicant, but rather use the name of a neighbor, relative, etc., in a position to send or collect the money.

¶16. In addition to fraudulent marriages, an egregious number of unrelated and overage children are added to petitions. Children are often stated to be significantly younger than they are. To ensure that all the children in a family will be younger than 21 at the time of petitioning, some or all of their ages may be significantly regressed. On many occasions, the panel physician has informed the ConOff that children are either suspected to be over 21, or are unrelated applicants.

¶17. With the establishment and the expansion of Camp Lemonier in Djibouti -- headquarters for approximately 2,200 U.S. military forces -- Post has seen an increase in K1 visas. Some beneficiaries are female prostitutes working in local bars. Rudimentary English skills make them unable to answer simple questions about their fiances.

DV FRAUD

¶18. Post began processing Diversity Visas (DVs) in 2007. Most of the winners are Somalis, who present the same documents and at times have the same sponsor. This is a concern for Post, considering the lack of competent government authorities to issue police records, civil documents, school records, etc. in Somalia. It is therefore very difficult for Post to verify the compliance of Somali DV applicants.

ACS AND PASSPORT FRAUD

¶19. The same factors that influence IV fraud also affect passport and
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citizenship fraud. Post is sometimes forced to rely on voluntary DNA testing to adjudicate CRBA cases for children born in Somalia.

¶20. Another problematic and questionable factor is the ability of parents to transfer citizenship to their child. Some parents have lived out of the United States for so long it is difficult for them to prove at least 3 years physical presence in the United States.

¶21. Due to the high number of U.S. military servicemen in Djibouti, Post continues to receive an increasing number of CRBA cases from them and their Djiboutian or Ethiopian girlfriends. To protect the servicemen from prostitutes who may target them, and to prevent citizenship fraud, Post suggests DNA exams from the serviceman and the alleged child to prove relationship.

¶22. Post continues to experience an increasing number of cases where Somali-Americans have lost their passports during their visit to Somalia. Post believes there is a possibility that Somali-Americans return to Somalia upon receiving nationality, and give their passports to family members (such as their brother, sister or cousin) who have similar physical features to the AmCit. The family member then travels to the U.S. with the passport. Once the family member arrives in the U.S., the AmCit reports his or her passport lost or stolen. Since Post now has access to the DSH, we use this tool to track the entry and exits of AmCits who report their passports lost or stolen. We also have the regional LEGATT office at Embassy Sanaa conduct namechecks.

¶23. Post has experienced an increasing number of repatriation claims from Somali-Americans. An applicant typically arrives at the Embassy after having visited friends or family in Somaliland or Somalia for several months (even years). Having overstayed the return ticket validity, he or she then requests financial assistance. Another scenario is that the AmCit either claims to have become ill or to have run out of money and needs to return to the U.S. As a result, numerous Somali-Americans have arrived at the consular window in

Djibouti requesting a free plane ticket to return to the U.S., but are reluctant to provide contact persons for financial support. When the ConOff calls the AmCit's contacts to request financial support for the AmCit, in many cases the individuals respond as if the plane ticket should be free. In each case, Post corresponds with CA/OCS/ACS before approving repatriation loans for Somali-Americans.

¶24. Many new Lawful Permanent Residents (LPRs) visiting their countries of origin for vacation also report their travel documents or green cards lost. Post relies on authority from the DHS Regional Office to provide a travel letter.

ADOPTION FRAUD

¶25. Foreign adoption is extremely difficult in Djibouti. By law, only non-Djiboutian children (e.g., a baby born to an Ethiopian mother and unknown father) are eligible for foreign adoption. The difficulty in completing an adoption here deters all but the most determined would-be parents. It is not unusual for the process to take up to a year to complete. We therefore believe adoption fraud is negligible.

DNA

¶26. Post has frequently found that the only usable evidence of relationship is DNA. We have found a decreasing number of cases with negative DNA results. However, approximately 40 per cent of cases where we suggest DNA testing never follow through with such testing. We believe that word is spreading that DNA cannot be 'fooled', and abandoned cases know that they will be caught if they attempt to do DNA testing. Many of the negative DNA tests come back close, but do not meet the required threshold for proof. We suspect identify fraud in these cases; for example, an aunt or a sister claiming to be the mother.

¶27. Post also finds a significant number of legitimate families will slip-in additional children. Where more than one child is DNA tested, one may come back legitimate while another returns as no relation.

¶28. Marriages where no children are available to DNA test are particularly difficult to prove. Often, there is no relationship between the two spouses, because the marriage was arranged and the spouses knew each other for only a matter of days. While the vast majority of the marriage arrangements involved payment to the AmCit

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or LPR, the applicants still appear to take the arrangement seriously, and consider it to be a valid marriage.

V92s and V93s

¶29. All the issues detailed in IVs above apply to Visas 92s (V92s) and Visas 93s (V93s). However, we find a significantly higher percentage of relationship fraud in V92s and V93s. For V93s, in cases of spouses without children, the vast majority were married well after the I-590 was approved, usually only weeks or in some cases just hours prior to departure for the U.S. During the interview, they frequently claim that they were living together as spouses for several months prior to the filing the I-590, but only decided to marry when departure was imminent. Post believes that many unmarried refugees accept the highest financial bidder for a spouse after they receive their travel date.

ALIEN SMUGGLING

¶30. While Post has not identified any alien smuggling trends, it

cannot discount the possibility of alien smuggling in IV cases, particularly when Post must rely on DNA testing to determine relationship. Djibouti is a transit country for economic and political migrants from Eritrea, Ethiopia, and Somalia heading to the Middle East. In a desperate attempt to reach their destination, the migrants become targets for traffickers and smugglers.

DS CRIMINAL FRAUD INVESTIGATION

¶31. The RSO and ARSO support the Consular Section fraud investigations. They also provide information regarding possible visa fraud we may encounter due to the evolving dynamics of Djibouti's economy. One of the three FSNs in the Consular Section is dedicated to fraud investigation, but has not taken any formal fraud detection training. The RSO FSN Investigator (FSNI), who assists the Consular Section with fraud investigations, is an experienced investigator who has received field investigation training. This partnership between the RSO and Consular Section has strengthened Post's fraud prevention. All investigations results are reported in writing.

HOST COUNTRY CRIMINAL FRAUD INVESTIGATIONS

¶32. Citizenship is not automatically conferred to anyone by birth in Djibouti; to inherit citizenship, at least one parent must be a documented Djiboutian. The Government issues birth certificates for non-Djiboutians; however, the document clearly states "Servie A L'occasion De La Naissance," meaning "Only for the Occasion of the Birth". Most Djiboutians are documented, and those documents are well organized and maintained by the government. Upon gaining independence from France in 1977, Djibouti launched a campaign to document its citizens.

COOPERATION WITH HOST GOVERNMENT AUTHORITIES

¶33. The host government cooperates with Post and is willing to assist us with combating visa fraud. There is robust cooperation between host country security services and the USG.

AREAS OF PARTICULAR CONCERN

¶34. As detailed above, a key concern is insufficient ability to authenticate documents presented by the many Somali applicants who appear at Embassy Djibouti. As a result, it is difficult to establish with satisfaction the bona fides of Somali travelers, many of whose applications are thus denied, in the absence of guidance to the contrary from the Department.

¶35. Long delays in responding to requests for Security Advisory Opinions (SAOs) are another concern. Djibouti's predominantly Muslim and ethnic Somali society means a large number of applicants must wait for further administrative processing. Lack of specific date or place of birth information for many CLASS hits has required Post to

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submit numerous SAO requests--the vast majority of which are cleared, albeit weeks later (if not longer).

¶36. ConOff works closely with the French and other Consulates to share and receive information on fraud trends in Djibouti. In order to combat fraud from applicants from Eritrea, Yemen and Somalia, Post also works closely with regional posts to verify documents.

PERSONNEL ISSUES

¶37. Post has only one ConOff (Civil Service on excursion) and a

back-up ConOff (untenured JO). ConOff has taken PC541 (Fraud Prevention for Consular Managers) at FSI and acts as the Fraud Prevention Manager. The Senior FSN in Post's Consular Section serves as the Fraud and ACS assistant. No formal fraud detection training has been provided. Post had nominated the Senior FSN for past LES Fraud Prevention Workshop training, but she had not been accepted by FSI. Current ConOff will leave post in August 2009, to be replaced by a first-tour officer.

SWAN